UNITED STATES DSITI EASTERN DISTRICT OF	F NEW YORK	
VERONICA BROWN,	X	Index No.: 1:14-cv-05960-SLT-MDG
	Plaintiff,	PLAINTIFF'S AFFIDAVIT IN OPPOSITION TO
-against-		DEFENDANT'S MOTION
MARRIOTT INTERNAT	'IONAL, INC.,	
	Defendant. X	
STATE OF NEW YORK		
COUNTY OF KINGS) ss.:)	

Veronica Brown, being duly sworn, deposes and says:

- 1. I am a registered nurse, born in 1956. In July 2013 my friend Judy Gomez Caldwell and I planned to travel to St Kitts on a charitable mission, to train and inform local residents about diabetes, hypertension, vaccination and AIDS prevention.
- 2. I had previously been a guest at Marriott Hotels in New York, New Orleans,
 Virginia, Niagara Falls, Toronto, London and Panama. When researching Hotels in St. Kitts, I was
 pleased to find that Marriott had a Hotel in St. Kitts. I always found Marriott Hotels to be a
 wonderful place to stay, and the Marriott at St. Kitts, was the only brand name hotel I recognized.
 The Marriott name, and reputation meant to me reliability, excellent service and high standards. I
 always believed that whatever Marriott I stayed at, anywhere in the world, that Marriott would
 stand by its good name and reputation if any unfortunate event occurred.
- 3. My daughter in law, Laryn Greenwood, an event planner for Rockwood Capital was able to get a room reduction fee at the Marriott Hotel in St. Kitts, under a Marriott friends and family discount. Annexed is a copy of the Marriott discount agreement, with the Marriott logo

evident on top (Exhibit "A").

- 4. The Marriott Hotel in St. Kitts is called, the St. Kitts Marriott Resort.
- 5. We arrived in St. Kitts on July 17, 2013. We were assigned Room 455. I noticed while unpacking, there was water on the floor near the bathroom, and the water was leaking from the air conditioning vent. I told the Marriott maid in the hallway about the leak, and she in turn said she would tell management. Later that evening, upon our return to the room, we noticed the water had been removed, and I thought therefore the leak had been repaired. We went to bed.
- 6. Early that next morning, on July 18, 2013, at around 12:30 a.m., I had to use the bathroom. As I made my way from the bedroom to the bathroom I slipped (the bedroom had a tile floor) and fell with significance force. I noticed after I fell that there was again water on the floor—in the same area where we had noticed it the day before. Water was again dripping from the same air conditioner vent.
- 7. I notified the front desk of my fall and when the maintenance man arrived at my room he stated, "the air conditioner is leaking again". We remained in the room July 19, 20, & 21, 2013.
- 8. Maintenance continued in their attempt to fix the leak. When their efforts failed we requested a change of room and were changed from Room 455 to Room 12215 on July 22, 2013. Our hotel bill confirms the room change and clearly indicates "guest had leak in room and fell" and the invoice contains the distinctive Marriott logo in bold print (Annexed as **Exhibit "B"** is a copy of said invoice)
- 9. The voluntary accident statement the Hotel personnel asked me to fill out also contains the Marriott name on top (Annexed as **Exhibit "C"** is a copy of said statement). It should

be noted that nearly all signage at the Hotel contains the Marriott name and logo, including the entranceway to the Hotel, brochures left out at the Hotel, the resort map and restaurant guide. (Pictures of the items set forth above are annexed as **Exhibit "D"**).

- 10. As a result of my fall on July 18, 2013, I suffered a severe injury to my neck which necessitated major cervical surgery at Wyckoff Hospital in August 2013 (decompression laminectomy at C3-C7, with spinal fixation be means of mass screws and rods). Prior to that surgery which took place on 8/21/13, I had a cervical MRI on 8/7/13 done on an emergency basis which showed "myelomalacia" in the spinal cord. My doctor told me this means there was bleeding in the cord. He also said that the bleeding occurred due to an acute injury sustained as result of my fall. In addition to my long, painful and arduous recuperation, I was forced to resign my position as a school nurse with the New York City Board of Education. Needless to say I am making considerably less money. All of my employment records are located in Brooklyn.
- 11. Nearly all my medical records and providers are in Brooklyn, NY (one is in Manhattan). On 7/20/13 I made a brief visit to a local St Kitts facility for X-rays (which could not be performed). I then returned home, and began treatment with Victor Sasson, M.D. (orthopedist), from Brooklyn on 7/26/13, who referred me to Erico Cardoso, M.D., a Brooklyn neurosurgeon who I saw on 8/7/13. On 8/2/13, I saw Glenn Jacobsen, an osteopath, in Brooklyn. My MRI's were done in Brooklyn at the Kingsbrook Hospital as per Dr. Cardoso's recommendation. Dr. Cardoso recommended surgery, which was performed by him at the Wyckoff Hospital in Brooklyn on 8/21/13 (a month after the accident) as outlined above. This was followed by physical therapy at "One on One" in Brooklyn (October and November 2013). I had follow up visits with Dr. Cardozo 9/25/13 and 11/14/13. Robert Goldstein, M.D., from Manhattan, examined me and prepared an IME report late in 2014. All my prior medical records

also are located in Brooklyn, NY. My surgery consisted of cervical fusion from levels C3/C7 with implementation of multiple rods and screws.

- 12. Presently I have significant loss of range of motion of motion my neck, limiting my activities of daily living.
- 13. My friend and traveling companion and witness to my accident Judy Garcia Caldwell also lives in Brooklyn and signed a witness affidavit, (Exhibit "E").
- 14. I must stress again that a guest at the St. Kitts Marriott Hotel or one who makes a reservation at the St. Kitts Marriott Hotel, would not have the slightest notion, that the St. Kitts Marriott Hotel is not owned, operated or managed by Marriott International, Inc.

Veronica Brown

Sworn to before me this 2 day of September, 2015

Notary Public

MITCHELL G. SHAPIRO
Notary Public, State of New York
No. 31-4733452
Qualified in New York County
Commission Expires March 30, 20





Room Rate Discount Authorization Form

According to Company policy, presentation of this Authorization Form entitles the below-named individual to receive the Associate Room Rate or Friends and Family Rate on a space available basis at participating Marriott International operated and franchised lodging or Marriott Vacations Worldwide Corporation properties globally. The Associate Room Rate is limited to a maximum of two rooms per night. These discounted rates are for personal travel only.

are for p	personal travel only.	two rooms per night. These discounted rates		
Accomm	nodations at the discounted rate are requested for:			
[]	Spouse or Domestic Partner of Associate Child of Associate			
[×]	Parent or Parent-in-Law of Associate or Parent of	Domestic Partner ourtyard, Fairfield Inn, Residence Inn, SpringHill Suites		
[]	Friends and Family Rate	Veronica Brown		
		(Name of Guest)		
Note: A	Associates must use the current year's Associate This Authorization Form expires 60 days after the	e Discount Card. e issue date.		
TE	RMS AND CONDITIONS OF THE ROOM	RATE DISCOUNT PROGRAM BENEFIT		
1. Falsi	fication or other misrepresentation of information or ediate termination of the associate's employment.	this Authorization Form will constitute grounds for		
2. This chec	original Authorization Form must be presented and k-in and may not be used by anyone other than the ompleted for each property visited.	surrendered at the front desk at the time of authorized individual. A separate form must		
Photo	 Photo identification and this Authorization Form are required at the time of check-in. 			
Credi	it must be established at the time of check-in.			
(not to	Associates and immediate family members will receive the Associate Room Rate for personal travel only (not business). Associates traveling on business who receive the Associate Room Rate for personal travel put their hotel, division, or franchise at risk of losing the associate room rate discount benefit for all their associates.			
6. Use of person association miscoin person received to the contract of the co	of the Room Rate Discount is a privilege. Your come in your party) as a guest is a representation of Notice and in appropriate conduct or behavior as a conduct in connection with the associate's employment or the hotel where you ving disciplinary action, loss of room discount privile oyment.	Marriott and affiliated companies and their guest in a participating hotel will be dealt with as ent. Any conduct or behavior deemed are a guest could result in the associate		
By reque above.	sting this room discount benefit, I accept and agree	to abide by the terms and conditions outlined		
Laryn Gr	reenwood	1635850476		
(Name of	f Associate)	(Associate's Employee ID)		
Issued B	y:			
Not Requ	uired	Not Required		
(Name of	f Manager)	(Manager's Email Address)		
00098/1	Not Required / Rockwood Capital, LLC			
(Busines	s Unit/Department/Location)			

914 2878850

(Manager's Phone Number)

Printed By: 1635850476

June 08, 2015

(Issue Date)

EXHIBIT "B"



ST. KITTS

RESORT & THE ROYAL BEACH CASINO

Marriott

Veronica Browne-Mulvaney 463 East 56 St

Brooklyn NY 11203 United States

INVOICE

Company Name :

Room No.

12215

Arrival

17/07/13

Departure

24/07/13

Page No. : Folio / Inv. : 1 of 6

Conf. No.

169614 / 81838062

User ID

KTAYL097

Cashler No. 4

1021

Thank you for staying with us

24/07/13

3

	mank you for staying with da		21/01/40	
Date	Description	Charges	Credits	
W- 64 6 M		USD	USD	
20/07/13	Room Service	10.87		
	Room# 00455 : CHECK# 345			i
20/07/13	Room Charge	84.00		
20/07/13	Island Enhancement Tax	1.68		
20/07/13	Service Charge	10.50		
20/07/13	VAT 10%	8.40		
21/07/13	Calypso Restaurant	59.82		
-	Room# 12215 : CHECK# 1038	L'A	6	
21/07/13	Emerald Mist Spa	49.00	(*	
	Room# 12215 ; CHECK# 0000			
21/07/13	Room Charge	84.00		
21/07/13	Island Enhancement Tax	1.68		
21/07/13	Service Charge	10.50		
21/07/13	VAT 10%	8.40		
22/07/13	Calypso Cafe	8.02		
	Room# 12215 : CHECK# 2161			
22/07/13	S&P Engineer Hosp		72.06	
	Guest had leak in room and fell, credit was done for			
	taxi fees and hospital and band ald	12.31		
22/07/13	Bohemia	12,31		
22/07/12	Room# 12215 : CHECK# 6956	84.00		
22/07/13	Room Charge Island Enhancement Tax	1.68		
22/07/13		10.50		
22/07/13	Service Charge			
22/07/13	VAT 10%	8.40		
23/07/13	Emerald Mist Spa	144.00 /		
	Room# 12215 : CHECK# 0000			



ST. KITTS

& THE ROYAL BEACH CASINO

Marriott.

Verdica Browne-Mulvaney

463 East 56 St Brooklyn NY 11203 United States

INVOICE

Company Name

Room No. 122

12215

Amival

17/07/13

Departure Page No. 24/07/13

Folio / Inv.

2 of 6

Conf. No.

169614 /

Coni. No.

81838062

User ID

KTAYL097

Cashier No. 3

1021

Thank you for staying with us

24/07/13

Date	Description		Charges	Credits
			USD	USD
23/07/13	Room Charge	0.00	84.00	
23/07/13	Island Enhancement Tax		1.68	
23/07/13	Service Charge		10.50	
23/07/13	VAT 10%		8.40	
24/07/13	Master Card / Euro Card XXXXXXXXXXXX9781	XX/XX		630.94

11/45	703.00	703.00	
Balance	0.00 USD		- Indiana

Signature

Should you have any questions concerning your account, please contact our Front Office Manager at mhrs.skbrb.fom@marriotthotels.com or by dialing our Toll Free number 1-866-847-1139.

Please note that international credit cards are subject to exchange rates that may vary slightly from the one used by the hotel at checkout. In addition, some credit card companies may charge a fee for card use outside of the country of origin.

Please also observe that we do not accept personal checks to settle the bill.



ST. KITTS RESORT & THE ROYAL BEACH CASINO

Marriott.

Veronica Browne-Mulvaney 463 East 56 St Brooklyn NY 11203 United States

INVOICE

Company Name

Room No. 12215 Arrival 17/07/13 Departure | 24/07/13

Page No. 3 of 6 Folio / Inv. 169614 /

Conf. No. 81838062 User ID KTAYL097

Cashier No. : 1021

Thank you for staying with us

24/07/13

Date Description

Charges

Credits

USD USD This statement is your only receipt. You have agreed to authorize us to charge to your credit card account. If for any reason your company or credit card company refuses to make payment on this account, you will

Merchant ID:

Transaction ID: 8997930

Approval Code: 27591Z

Approval Amount: 630.94

Credit Card #: XXXXXXXXXXXX9781

Credit Card Expiry: XX/XX

Capture Method : Swiped

Transaction Amount: 630.94



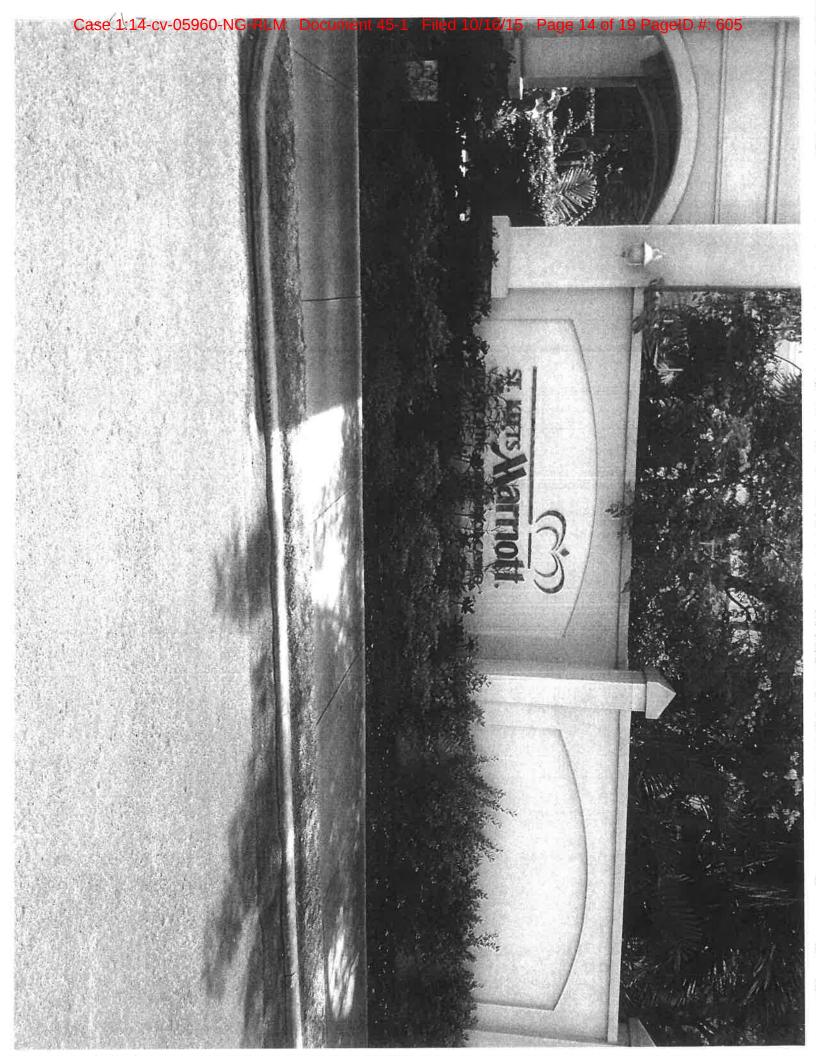
St. Kitts Marriott Resort

Voluntary Statement:

With the understanding that I'm not obligated to give a statement and that I might seek legal advice at any time before any statement or declaration is given.

Full Name: (Please Print Name:)	D.O.B (mm/dd/yyyy)
Mrs. Mr. Ms. Velowica Blown - Mulupney	4/9/56
Address: 463 EAST 56 ST	
City: BROOKLY DY	
Country: USA	
State/Province:	
ZIP: 11703 Email: Buffie3 Cualizon Date:	9/18/13
Phone Number/s: 718 679-1713 - 917 584	
Work Address: DE 546D TILBER Job Title: (Associate Department:) To the best of your ability, describe the incident. Please include all information.	ces mylls
I got up to walk to ite &	eathern
I Deliphed and fell in u	
near the leatherm door.	THERE
was a leaking air f	1c.
vest in the Ossom	
Section 1	
**	
	3
I have reviewed this statement and believe is true and accurate to the best of my recollecti	on.
Signature: Witness: Loss Prevention Witness:	(3)
Associate: Guest: witness: Other: Report of (office us	

EXHIBIT "D"





3LU SEAFOOD RESTAURANT

Enjoy a true dining experience at our renowned St. Kitts restaurant, featuring the freshest seafood, creatively prepared, using local and international inspiration in a standard inspiration in a standard response with 180 degree panoramic ocean views.



ROYAL GRILLE STEAKHOUSE

Marm and sophisticated, this "city-style" steakhouse serves succulent cuts of beef and seafood, along with an terminal wine list.

Hen from 6-10 pm

CUCINA ITALIAN RESTAURANT

Specializing in the dishes of Northern Italy, La Cucina Bytts guests with a beautiful rustic setting and a wide Exection of Italian and International wines.

Open from 6-10 pm

SLYPSO RESTAURANT

Ropular spot for family dining, Calypso features buffet sput a la carte selections emphasizing local ingredients real include fresh fish, fruits and vegetables,

Beakfast: 7 am-11 am

Lunch: 11 am-2 pm

CALYPSO

Injoy flavored coffee, espresso, sandwiches, snacks and pastries daily at the Café, located at the entrance to Calypso. Serving breakfast, lunch and late night dinner, Open daily from 6 am-12 am

BOHEMIA BEACH POOL BAR & GRILLE

This casual poolside St Kitts restaurant serves unbeatable salads, burgers, sandwiches and frozen drinks overlooking the beach and ocean. Stay cool at the swim-up bar or under the covered patio.

Open daily from 10 am - 7 pm

LOBBY BAR

Open daily for those looking for a casual dining atmosphere. On select evenings guests will enjoy live entertainment.

Sushi served Wednesday through Sunday from 6-9:30 pm.

Open daily 4 pm-12 am

PIZZA SHACK

Keep it casual with homemade pizza and ice cream served at this outdoor patio restaurant.

Open daily from 12-10 pm

THE GOLF CLUBHOUSE GRILLE

Located at the Royal St. Kitts Golf Club, guests can toast to their success on the greens with frosty beers, soft drinks and lemonade. Open for lunch, serving towering burgers, sandwiches and other fare.

Open daily from 7 am-6 pm

For reservations, please contact the Guest Services Desk at extensions 7800 or 7802.



The opening hours may change seasonally. Please contact Guest Services at extensions 7800 or 7802 to confirm the opening hours during your stay.





RESORT MAP &
RESTAURANT GUIDE

858 Frigate Bay Road | Frigate Bay | St. Kitts | West Indies Tel: 1.869.466.1200 | Fax: 1.869.466.1201 www.stkittsmarriott.com

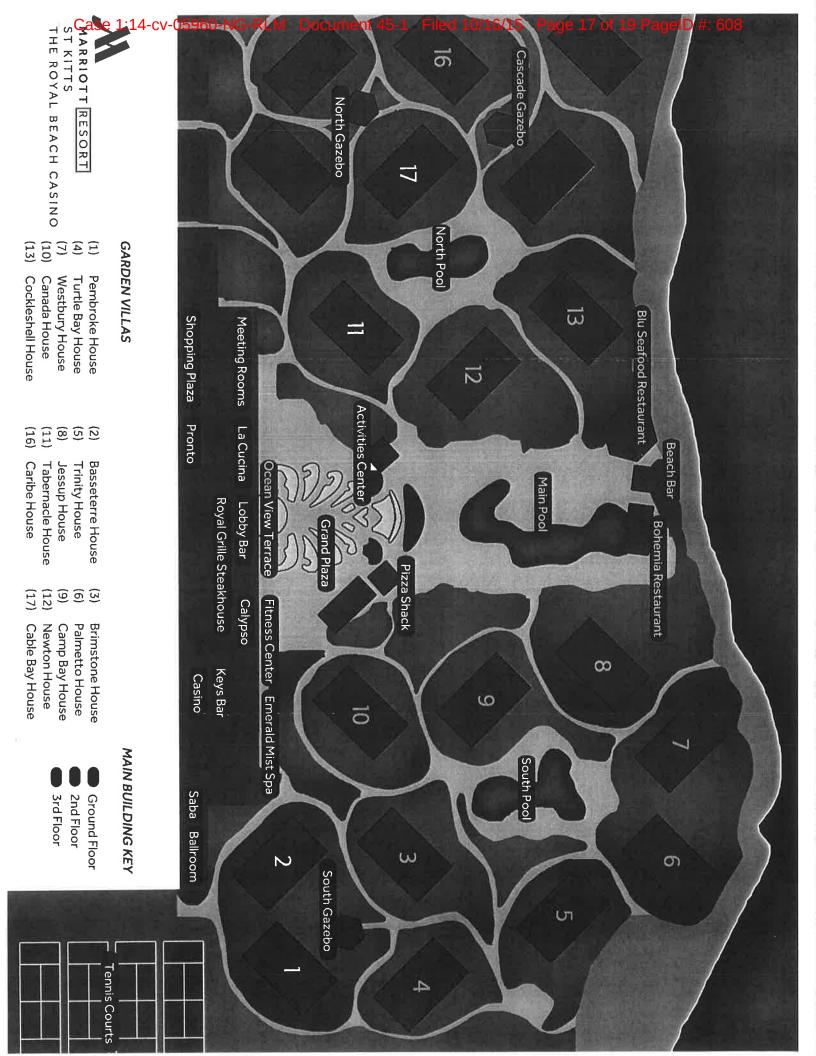


EXHIBIT "E"

AFFIDAVIT

STATE OF NEW YORK)
Dicens.) ss.:
COUNTY OF BRONX)

Judy Gomez Caldwell, being duly sworn deposes and says:

- 1. That on 7/17/13, I accompanied Veronica Brown to the St. Kitts & the Royal Beach Casino and we shared a room at the resort.
- 2. That on 7/18/13 while Ms. Brown was walking to the bathroom, she slipped on a wet floor, which was a hard marble like floor.
- 3. The floor was wet as a result of water dripping down from the air conditioner vent in the ceiling.
- 4. That the front desk was called and when they arrived, the maintenance and security came to the room. The maintenance man said, "It's leaking again".
- 5. That maintenance man did something to repair the leaking air conditioner, however the next day it started leaking again.
 - 6. That as a result of this continuous condition the resort changed our room.
- 7. That it was obvious that this was a recurrent condition and that this air conditioner had been leaking prior to our arrival.
- 8. As a result of her fall, Ms. Brown injured her neck, ankle, hip and leg was swollen and it was iced before she was taken to St. Kitts –Joseph N. France General Hospital.

Sworn to before me this

25 day of Nov mber, 2013

Notary Public

Notary Public, State of New York
No. 01SU6174546
Qualified in Queens County
Commission Expires